

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cagle, et al.

Serial No.: 10/715,055

Confirmation No.: 3314

Filed: November 17, 2003

Examiner: Fay, Zohreh A.

Group Art Unit: 1614

For: ANTIBIOTIC COMPOSITIONS FOR  
TREATMENT OF THE EYE, EAR AND NOSE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Mailing Label No. EV 484 447 476 US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Date: June 16, 2005

Name: Deborah Weinschenk

Signature: *Deborah Weinschenk*

TRANSMITTAL OF FEE UNDER 37 C.F.R. §1.20(d)

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A terminal disclaimer has been filed herewith. Please charge the \$130.00 fee required under 37 C.F.R. §1.321(b) and 1.20(d) to Deposit Account No. 501051. A duplicate of this paper is attached.

Respectfully submitted,  
ALCON, INC.

Date: 6/16/05

By: *Gregg V. Brown*  
Gregg V. Brown  
Registration No. 30,613



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**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b) and (c)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Alcon, Inc. is the owner of the entire interest in the above-identified patent application and related United States Patent Nos. 6,440,964 and 6,740,664. The title history of the present application and the above-cited patents is demonstrated by the attached assignment documents and associated notices of recordation. The relationship of the present application to the above-cited patents is explained below

The present application is a continuation of U.S. Patent Application Serial No. 10/200,868 filed on July 22, 2002 (now U.S. Patent No. 6,716,830), which is a continuation of U.S. Patent Application Serial No. 09/646,797 filed on September 22, 2000 (now abandoned), which is a 371 of PCT/US99/22622 filed on September 29, 1999, which claims benefit of Provisional Application Serial Nos. 60/102,504 and 60/102,506 filed on September 30, 1998.

U.S. Patent No. 6,740,664 issued from U.S. Patent Application Serial No. 09/887,775 filed on June 22, 2001, which is a continuation-in-part of U.S. Patent Application Serial No. 09/575,850 filed on May 19, 2000 (now U.S. Patent No. 6,509,327), which claims priority based on: (1) three related international applications, i.e., PCT/US99/22622, PCT/US99/22624 and PCT/US99/22625, all of which were filed on September 29, 1999; and (2) a series of six U.S. provisional applications filed on September 30, 1998, i.e., Serial Nos. 60/102,504; 60/102,506; 60/102,508; 60/102,509; 60/102,510; and 60/102,511.

U.S. Patent No. 6,440,964 issued from U.S. Patent Application Serial No. 09/887,771 filed on June 22, 2001, which is a continuation-in-part of U.S. Patent Application Serial No. 09/557,262 filed on May 19, 2000 (now abandoned), which claims priority based on: (1) international application PCT/US99/22622 filed on September 29, 1999; and (2) two U.S. provisional applications filed on September 30, 1998, i.e., Serial Nos. 60/102,504 and 60/102,506.

As demonstrated by the attached Notice of Recordation of Assignment documents, Alcon, Inc. (hereinafter referred to as "Alcon") is the owner of: U.S. Patent No. 6,740,664; U.S. Patent No. 6,440,964; and the present patent application.

Alcon hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,440,964 and 6,740,664 (referred to hereinafter as the "Related Patents"). Alcon hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Related Patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Alcon does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of either of the Related Patents, as presently shortened by any terminal disclaimer, in the event that either of the Related Patents subsequently: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
ALCON, INC.

Date

6/16/05

By

Gregg C. Brown

Gregg C. Brown  
Registration No. 30,613

Attachments

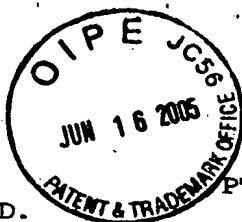
1. Notice of Recordation of Assignment for USSN 10/200,868 (Reel/Frame 014037/0935)
2. Notice of Recordation of Assignment for US 09/887,775 (Reel/Frame 014033/0537)
3. Notice of Recordation of Assignment for USSN 09/887,771 (Reel/Frame 014051/0957)

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OCTOBER 21, 2003

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Washington, D.C. 20231



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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/20/2003

REEL/FRAME: 014051/0957  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ALCON MANUFACTURING, LTD.

DOC DATE: 10/20/2003

ASSIGNEE:

ALCON, INC.  
P.O. BOX 62, BOSCH 69  
HUNENBERG, SWITZERLAND CH-6331

SERIAL NUMBER: 09577262  
PATENT NUMBER:

FILING DATE: 05/19/2000  
ISSUE DATE:

SERIAL NUMBER: 09887771  
PATENT NUMBER: 6440964

FILING DATE: 06/22/2001  
ISSUE DATE: 08/27/2002

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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Washington, D.C. 20231

OCTOBER 10, 2003

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RECORDATION DATE: 10/09/2003

REEL/FRAME: 014033/0537  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

ALCON MANUFACTURING, LTD.

DOC DATE: 10/09/2003

## ASSIGNEE:

ALCON, INC.  
P.O. BOX 62, BOSCH 69  
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SERIAL NUMBER: 10253335  
PATENT NUMBER:

FILING DATE: 09/24/2002  
ISSUE DATE:

SERIAL NUMBER: 09887775  
PATENT NUMBER:

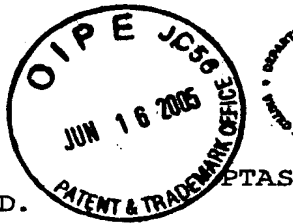
FILING DATE: 06/22/2001  
ISSUE DATE:

SERIAL NUMBER: 09575850  
PATENT NUMBER: 6509327

FILING DATE: 05/19/2000  
ISSUE DATE: 01/21/2003

OCTOBER 10, 2003

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RECORDATION DATE: 10/09/2003

REEL/FRAME: 014037/0935  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

ALCON MANUFACTURING, LTD.

DOC DATE: 10/09/2003

## ASSIGNEE:

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SERIAL NUMBER: 60102504  
PATENT NUMBER:

FILING DATE: 09/30/1998  
ISSUE DATE:

SERIAL NUMBER: 60102506  
PATENT NUMBER:

FILING DATE: 09/30/1998  
ISSUE DATE:

SERIAL NUMBER: 09646797  
PATENT NUMBER:

FILING DATE: 09/22/2000  
ISSUE DATE:

SERIAL NUMBER: 10200868  
PATENT NUMBER:

FILING DATE: 07/22/2002  
ISSUE DATE: